

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 455

By: Bullard

AS INTRODUCED

An Act relating to federal actions; amending 80 O.S. 2021, Section 101, which relates to legislative review of federal actions; prohibiting implementation or enforcement of certain federal actions found unconstitutional; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 80 O.S. 2021, Section 101, is amended to read as follows:

Section 101. A. The Legislature may review any executive order issued by the President of the United States, federal agency rule or federal congressional action to determine the constitutionality of such action. Upon recommendation from the Legislature, the Attorney General, through the State Reserved Powers Protection Unit, shall review such action by the federal government to determine the constitutionality of the action and whether the state should seek an exemption from the application of the action or seek to have the action declared unconstitutional by a court of competent

1 jurisdiction and prevent, prohibit or enjoin enforcement of the  
2 unconstitutional order, rule or action.

3 B. Should the Attorney General decline to pursue action based  
4 upon the determination of the Legislature, the Legislature may by a  
5 majority vote initiate an action to seek an exemption from the  
6 application of the action or seek to have the action declared  
7 unconstitutional by a court of competent jurisdiction and prevent,  
8 prohibit or enjoin enforcement of the unconstitutional order, rule  
9 or action.

10 C. Notwithstanding any other provision of law, the state,  
11 county, political subdivision or any other publicly funded  
12 organization shall not implement, adopt or enforce any order,  
13 federal agency rule or federal congressional action declared  
14 unconstitutional by a court of competent jurisdiction under  
15 subsection A or B of this section including, but not limited to:

- 16 1. Pandemics or other health emergencies;
- 17 2. The regulation of natural resources, including oil and  
18 natural gas;
- 19 3. The regulation of the agriculture industry;
- 20 4. The use of land;
- 21 5. The regulation of the financial sector as it relates to  
22 environmental, social or governance standards;
- 23 6. The regulation of the constitutional right to keep and bear  
24 arms;

1 7. The regulation of education;

2 8. The regulation of marriage;

3 9. The regulation of interscholastic, intramural or other  
4 extracurricular sports sponsored by an institution of higher  
5 education, a school district or a charter school; or

6 ~~9.~~ 10. Any other powers reserved by the State of Oklahoma or  
7 the people of Oklahoma.

8 SECTION 2. This act shall become effective November 1, 2023.

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